



Task Force on Trial Court Employees
Meeting Minutes
May 18–19, 1999
Newark/Fremont Hilton, Newark, California

<p><i>TASK FORCE MEMBERS:</i></p> <p><i>PRESENT:</i> Hon. James A. Ardaiz, Chair Ms. Pamela Aguilar Marshal Barbara J. Bare Hon. Aviva K. Bobb Mr. Gary Cramer Hon. Charles D. Field Ms. Diane Givens Ms. Mary Louise Lee Mr. Ronald G. Overholt Ms. Christine E. Patton Sheriff Charles Plummer (not present 5/19) Mr. Larry Spikes (not present 5/18) Mr. Robert Straight Mr. Mike Vargas</p> <p><i>ABSENT:</i> Ms. Karleen A. George Mr. Steve Perez Mr. John Sansone (Represented by Mr. Steve Keil) Mr. Robert D. Walton (Represented by Mr. David Christianson)</p>	<p><i>ADMINISTRATIVE OFFICE OF THE COURTS STAFF:</i> Ms. Judith A. Myers, Director, Human Resources Bureau Ms. Deborah Brown, Attorney, Council and Legal Services Division Ms. Noema Olivas, Secretary, Human Resources Bureau Ms. Hazel Ann Reimche, Human Resources Analyst, Human Resources Bureau Ms. Sharon Smith, Staff Analyst, Human Resources Bureau</p> <p><i>OTHER STAFF:</i> Mr. Nathan Bitting, Administrative Coordinator, Career Group, Inc.</p> <p><i>FACILITATOR:</i> Ms. Liz Schiff, Organizational Development Specialist, Human Resources Bureau, Administrative Office of the Courts</p> <p><i>OTHER ATTENDEES:</i> Mr. Keith Sendall, ICMA Retirement Corporation</p>
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Tuesday, May 18, 1999

I. OPENING REMARKS

Justice James A. Ardaiz called the meeting to order at 10:15 a.m. in Fremont and welcomed everyone to the 12th task force meeting.

II. PUBLIC COMMENT PERIOD

Justice Ardaiz introduced the following guest speakers:

Ms. Mary Lou Aranguren, of the Bay Area Court Interpreters Association, commented on the employment status of court interpreters and provided information about the service their work provides to the court system.

Ms. Judith Kerrin, of the Superior Court of California, County of Sacramento, commented on the employment protection model and its impact on trial courts.

III. REVIEW OF APRIL TASK FORCE MEETING AND ANNOUNCEMENTS FOR TODAY'S MEETING

Justice Ardaiz summarized the following actions taken by the task force at the April 14–15, 1999, meeting in Auburn:

- Provided opportunity for communication through a public comment period;
- Finalized the definition of “court employee” for purposes of the interim report;
- Revisited employment status options definitions (state, county, court) in relation to models and discussed issues raised at March meeting, and reached consensus on revised definitions;
- Reviewed draft interim report and reached agreement on major components;
- In relation to retirement benefits:
 - Adopted final language for assumptions/objectives; and
 - Discussed revised model and reached consensus;
- Identified pertinent transition issues of concern in relation to the three employment status options (state, court, county); and
- Provided educational information on other employer-provided benefits (other than deferred compensation and accrued leave).

Justice Ardaiz announced that the interim report of the task force was released for review and comment on May 7, 1999, to the counties, judiciary, the Legislature, the Governor, and local and state employee organizations. He stated that comments must be received no later than June 2, 1999. He announced that staff cannot respond to individual requests for copies of the interim report, but the report is available electronically on the task force's Web site.

Justice Ardaiz also announced that the filming of an educational video regarding the upcoming trial court employee advisory vote has been completed. The video provides general information about the advisory vote and the task force's process for conducting the vote.

Justice Ardaiz asked if there were any additions or corrections to the April 14–15, 1999, meeting minutes. Judge Charles D. Field moved that the April minutes be accepted. Ms. Mary Louise Lee seconded the motion. The April meeting minutes were adopted without any additions or corrections.

Justice Ardaiz discussed the following objectives for the current meeting:

- Provide an opportunity for communication through a public comment period;
- In relation to group insurance, accrued leave, deferred compensation, and other employer-provided benefits:
 - Provide educational information regarding general concerns and legal issues, and
 - Review draft assumptions, objectives, and models and reach agreement wherever possible;
- In relation to the employee advisory vote and public entity poll:
 - Review educational materials,
 - Review draft questions, and
 - Reach agreement on major components; and
- In relation to transition issues:
 - Review draft assumptions, objectives, and model and reach agreement wherever possible.

The task force agreed that in the next couple of weeks, staff will ask for the task force's input regarding the reports needed from the Trial Court Employee Survey for review by local unions and the task force.

IV. BENEFITS

Justice Ardaiz reviewed the following proposed definition of “benefits,” for the purposes of the task force's discussions:

“Benefits” is defined as group insurance benefits, deferred compensation, accrued leave, and other employer-provided benefits, the cost of which may or may not be covered by the employer. “Benefits” does not refer to other conditions of employment which have been addressed in the salary, classification, meet and confer, employment protection system, and retirement models.

Ms. Judith A. Myers reviewed several factors that should be considered when discussing benefits such as:

- Diversity exists among benefits currently provided to court employees;
- Benefits require proper administrative services and resources;
- Some federal laws govern benefits;
- Third-party vendors and providers are involved;
- Cost is often determined by scale and volume of coverage group;
- Memoranda of understanding must remain in effect;
- Benefits are secured through contractual obligations that must be honored;

- New benefit programs require sufficient time for creation and are subject to meet and confer, as applicable;
- Benefits provided to unrepresented employees may not be reduced;
- Sufficient time must be provided for successor employer so employees are not affected by status change; and
- Counties and trial courts may sever support services, including human resources services, between now and the date of implementation of the trial court employee personnel system.

Ms. Myers reminded the task force that the benefit models need to be completed prior to the trial court employee advisory vote and public entity poll.

V. GROUP INSURANCE BENEFITS

Ms. Myers reviewed the Working Implementation Group Insurance Benefits Assumptions, Objectives, and Model. The task force discussed them and made modifications. The staff will draft specific language and return with a proposal at a future meeting. The task force was in general agreement with the concepts provided for in the group insurance working documents.

Ms. Myers informed the group that cafeteria plans, flexible spending accounts, and retiree group insurance benefits will be addressed outside of this model.

VI. ACCRUED LEAVE

Ms. Liz Schiff and Ms. Myers reviewed the Working Implementation Accrued Leave Assumptions, Objectives, and Model. The task force members discussed them and made modifications, which will be reviewed at a future meeting. The task force agreed to the general concepts in the working accrued leave documents.

VII. TRIAL COURT EMPLOYEE ADVISORY VOTE

Ms. Myers reviewed the draft Working Trial Court Employee Advisory Vote Assumptions and Objectives, which are included in the interim report, and the proposed educational outline and ballot questionnaire. The task force discussed the trial court employee advisory vote, provided input, and reached general agreement about the format and structure of the ballot questionnaire regarding the employment status of trial court employees (state, county, court). The task force will continue to discuss the trial court employee advisory vote at future meetings.

VIII. PUBLIC ENTITY POLL

Ms. Myers and Ms. Schiff reviewed the Public Entity Poll Assumptions and Objectives, which are included in the interim report, and the proposed educational outline and ballot questionnaire, which will be submitted to trial courts and counties. The public entity poll will obtain the input of trial courts and counties regarding the employment status of trial court employees (state, county, court). The task force discussed the public entity poll and generally agreed to the format and structure of the questionnaire. The task force will continue to discuss the public entity poll at future meetings.

IX. CLOSING REMARKS

Justice Ardaiz adjourned the meeting at 5:47 p.m.

Wednesday, May 19, 1999

I. OPENING REMARKS, REVIEW OF AGENDA AND OBJECTIVES

Justice Ardaiz called the meeting to order at 8:25 a.m.

II. DEFERRED COMPENSATION BENEFITS

Ms. Myers provided education regarding deferred compensation benefits. Ms. Deborah Brown gave a brief overview of legal issues relating to deferred compensation. Education was provided on 457 and 401(k) plans, which are governed by federal law.

Ms. Myers introduced Mr. Keith Sendall, ICMA Retirement Corporation, who assisted the task force by providing answers to technical questions regarding deferred compensation benefits and plans. Ms. Myers also reviewed the draft Working Implementation Deferred Compensation Assumptions and Objectives. The task force discussed the complex issues surrounding deferred compensation in relation to the employment status options.

The task force generally agreed to the assumptions and objectives. Ms. Myers told the group that the issues surrounding deferred compensation benefits require further research and that staff will relay information as it becomes available.

III. PUBLIC COMMENT PERIOD

Mr. Ron Overholt introduced Judge Phillip Sarkisian, Presiding Judge of the Superior Court of California, County of Alameda. Judge Sarkisian thanked the task force for their diligent work in forming the recommendations outlined in the interim report and for a continued commitment to the work required of the members.

IV. OTHER EMPLOYER-PROVIDED BENEFITS

Ms. Myers reviewed the Working Implementation Other Employer-Provided Benefits Assumptions, Objectives, and Model. The task force generally agreed to the concepts provided for the working other - employer provided-benefits documents. The task force defined “other employer-provided benefits” as:

Benefits provided by the employer, the cost of which may or may not be covered by the employer, excluding group insurance benefits, deferred compensation, transfer or displacement rights, and accrued leave benefits, which will be addressed separately. “Benefits” does not refer to other conditions of employment which have been addressed in the salary, classification, meet and confer, employment protection system, and retirement models.

The task force agreed that the staff will make the same conceptual changes to the other employer-provided benefits documents as to the Working Implementation Group Insurance Benefits Model and present the changes at a future meeting.

V. PUBLIC ENTITY POLL

The task force revisited the issues surrounding the public entity poll discussed the previous day of the meeting and continued a discussion of the format and structure of the ballot questionnaire.

VI. TRANSITION ISSUES

Ms. Schiff reviewed the Working Transition Assumptions, Objectives, and Model. The task force modified the language of the assumptions, objectives and model. The task force also provided input regarding additional issues of importance that should be included in the transition model. The task force will revisit transition issues and review the transition documents at future meetings.

VII. MEETING SUMMARY AND CLOSING REMARKS

Justice Ardaiz summarized the accomplishments of the task force at the meeting as the following:

- Reviewed Working Implementation Group Insurance Benefits Assumptions, Objectives, and Model and reached general consensus;
- Reviewed Working Implementation Accrued Leave Assumptions, Objectives, and Model and reached general consensus;

- Reviewed outline of educational materials and ballot questionnaire for the Trial Court Employee Advisory Vote and reached agreement on a general approach.
- Reviewed materials for county and trial court Public Entity poll and reached agreement on a general approach.
- Reached general agreement on Working Implementation Deferred Compensation Assumptions and Objectives and identified issues for the development of a model.
- Reached general agreement on Working Implementation Other Employer-Provided Benefits Assumptions and Objectives and identified issues of concern for the revision of the model.
- Reached general agreement on Working Transition Assumptions and Objectives and noted issues of concern for model expansion.

Justice Ardaiz adjourned the meeting at 1:45 p.m.